

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 04.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.23739/2015 & MP.Nos.1 & 2/2015

A.Subramanian

... Petitioner

Versus

1. The Principal Secretary
Government of Tamil Nadu
School Education Department
Fort St George, Chennai-9.
2. The Director,
State Council for Education,
Research & Training, College Road
Chennai-6.
3. The Principal
District Institute of Education & Training
Perundurai, Erode District.
4. Thiru N.Lakkuminarasimhan

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of certiorari calling for the records of the 2nd respondent issued in Na.Ka.No.7813/A2/2011 dated 16.12.2011 and quash the same.

For Petitioner : Mr.R.Saseetharan

For Respondents : Mr.V.Subbiah, Spl.GP

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The petitioner would state that initially he was appointed as P.G.Assistant in Physics on 05.12.1985 in an Aided School. Thereafter, he was appointed as P.G. Assistant [Physics] on 11.09.1991 through the selection done by the Teachers Recruitment Borad [TRB]. The petitioner was transferred to the post of Lecturer at District Institute for Education and Training at Perundurai, Erode

District on 25.08.1993 and on 16.05.2009, he was promoted as Senior Lecturer and continues to hold the said post.

3.The petitioner would state that vide proceedings dated 16.11.2011, the Director, State Council for Teacher Education, Research and Training, has given appointment to the 4th respondent as Senior Lecturer [Botany], by direct recruitment and he was appointed to the said post during the year 2006.

4.The 4th respondent has faced disciplinary proceedings under section 17[b] of the Tamilnadu Civil Services [Discipline and Appeal] Rules and was placed under suspension on 25.07.2007 and on exoneration, during May 2011, he was reinstated to the post of Lecturer. The services between 25.07.2007 and 26.08.2008 was directed to be treated as spent on duty in respect of the 4th respondent with all consequential benefits. The 4th respondent went one step further and based on the rank assigned to him by the Teachers Recruitment Board, was placed above the petitioner and thereby, the 4th respondent has become senior from the year 2006. The petitioner challenging the vires of the said order dated 16.12.2011, has filed the present writ petition.

5.Mr.R.Saseetharan, learned counsel for the petitioner would submit that challenging the impugned proceedings dated 16.12.2011, the petitioner has submitted an appeal to the 1st respondent through proper channel and it would suffice to direct the 1st respondent to dispose of the appeal.

6.Heard the submission of Mr.V.Subbiah, learned Special Government Pleader who accepts notice on behalf of the respondents 1 to 3.

7.This Court, in the light of the prayer sought for by the learned counsel for the petitioner and without going into the merits of the claim projected by the petitioner, directs the 1st respondent to consider and dispose of the petitioner's appeal Memorandum/petition dated 20.05.2015 in accordance with law, after putting on notice the petitioner as well as the 4th respondent and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner and to the 4th respondent.

8.The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

AP

s/d-

Assistant Registrar(CS-III)

True Copy

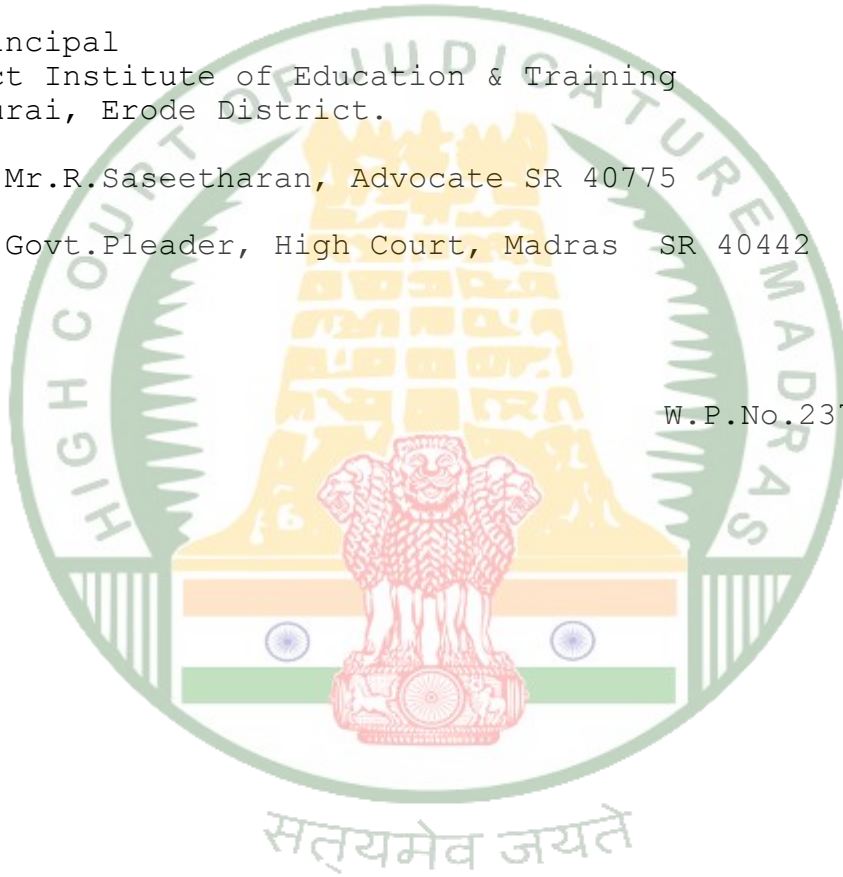
Sub-Assistant Registrar

To

1. The Principal Secretary
Government of Tamil Nadu
School Education Department
Fort St George, Chennai-9.
 2. The Director,
State Council for Education,
Research & Training, College Road
Chennai-6.
 3. The Principal
District Institute of Education & Training
Perundurai, Erode District.
- + 1 cc to Mr.R.Saseetharan, Advocate SR 40775
- + 1 cc to Govt.Pleader, High Court, Madras SR 40442

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